

Cladding Risk Mitigation Framework

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1. Introduction
   1. Overview

1.1.1 The presence of Combustible External Cladding on existing residential buildings in Victoria may create a fire risk for the people who reside, use and visit those buildings. The level of threat posed to life is not the same for all buildings that have Combustible External Cladding as part of their façade structure.

1.1.2 The Victorian Government has invested significant resources to reduce risk on those buildings where the risk posed by Combustible External Cladding is the highest.

1.1.3 The use of high risk Combustible External Cladding on all new Type A and Type B buildings constructed from March 2018 was first restricted by Minister’s Guideline 14 and was subsequently prohibited under section 192B(1) of the *Building Act 1993* (the **Act**).

1.1.4 For existing buildings with Combustible External Cladding, removing and replacing all or part of the cladding façade of a building is complex, time consuming and costly, but justifiable where the risk posed by combustible cladding is unacceptably high.

1.1.5 Minister’s Guideline 15, made under section 188(1)(c) of the Act, was made for the purposes of:

1. providing guidance to municipal building surveyors and private building surveyors when fulfilling their respective functions under the Act and the *Building Regulations 2018* (the **Regulations**) in connection with Combustible External Cladding; and
2. providing guidance as to how municipal building surveyors and private building surveyors should assess Remediation Work Proposals for Combustible External Cladding where the Remediation Work Proposal does not comprise the full removal and replacement of the Combustible External Cladding.

1.1.6 The Victorian Government has amassed significant cladding fire safety knowledge and science-based learning since the focus on combustible cladding in the existing built environment commenced. The strong evidence base that has been created is now being used to give definition to the findings of the Victorian Cladding Taskforce and provide the basis for a structured risk-based approach to be established.

1.1.7 This Framework will remove uncertainty amongst municipal building surveyors, building owners and building practitioners about the practical and reasonable measures that can be taken to make a building sufficiently safe from a cladding fire risk perspective.

|  |  |  |
| --- | --- | --- |
| *Cladding risk mitigation procedure* | | |
| **Framework** |  |  |

* 1. Purpose

1.2.1 This Framework supports Minister’s Guideline 15 by:

1. setting out the Victorian Government’s policy regarding a risk-based approach to Combustible External Cladding on certain buildings in Victoria (see Part 2 of this Framework), which includes the objective that work be carried out on all Relevant Buildings so that those Relevant Buildings move to an Acceptable Cladding Risk rating without, where possible, the removal and replacement of all Combustible External Cladding;
2. setting out the criteria to determine a risk rating for certain buildings in Victoria which include Combustible External Cladding. In particular, this Framework provides a basis for identifying the cladding risk ratings of buildings for the purpose of Minister’s Guideline 15 (see Part 2.2 of this Framework); and
3. providing a structured, risk-based approach to assessing Remediation Work Proposals for Relevant Buildings to determine whether an Acceptable Cladding Risk rating can be achieved without the full removal and replacement of all Combustible External Cladding (see Part 3 of this Framework).
   1. Definitions

1.3.1 In this Framework:

‘**Acceptable Cladding Risk’** means that the Relevant Building:

1. achieves a ‘Low Cladding Risk’ rating; or
2. presents an overall level of risk to the life and safety of the occupants of the Relevant Building which is reasonably similar or less than the risk which would be presented by the same building, if that building had no Combustible External Cladding.

**‘Act’** means the *Building Act* *1993.*

‘**Combustible External Cladding’** means:

1. aluminium composite panels (ACP) with a polymer core which is installed as external cladding, lining or attachments as part of an external wall system; and
2. expanded polystyrene (EPS) products used in an external insulation and finish (rendered) wall system.

**‘Elevated Cladding Risk’** has the meaning given in Table 1 in paragraph 2.2.2 of this Framework.

**'Enforcement Action’** means any enforcement action which may be taken by a municipal building surveyor or a private building surveyor under the Act, including the issue of a building notice or building order under Part 8 of the Act.

**‘Guideline’** means Minister’s Guideline 15 issued by the Minister pursuant to section 188(1)(c) of the Act, as amended or re-issued from time to time.

**'Letter of Action’** means a letter which satisfies the requirements of paragraph 3.6.3 of this Framework.

**‘Low Cladding Risk’** has the meaning given in Table 1 in paragraph 2.2.2 of this Framework.

**‘NCC’** means the National Construction Code.

**‘Relevant Building’** has the meaning given under the heading ‘Buildings to which this Guideline applies’ in the Guideline.

‘**Remediation Work Proposal’** means:

1. a proposal prepared by the owner of a Relevant Building or anyone authorised on their behalf for the work to address the Combustible External Cladding on that Relevant Building; or
2. a proposal prepared by Cladding Safety Victoria to address the Combustible External Cladding on a Relevant Building.

‘**SOUs**’ means ‘sole occupancy units’, as that term is defined in the National Construction Code.

‘**Sprinkler Protected’** means that there are sprinklers internally throughout the relevant SOU.

**‘Unacceptable Cladding Risk’** has the meaning given in Table 1 in paragraph 2.2.2 of this Framework.

1. Cladding Risk Mitigation Policy

The Victorian Government’s policy is for the adoption of a risk-based approach to the reduction of fire risk associated with Combustible External Cladding on certain residential buildings in Victoria.

* 1. Scope

2.1.1 This Policy applies to ‘Relevant Buildings’, being buildings in Victoria:

1. which are classified as Class 2 or Class 3 by the NCC or contain any component which is classified as Class 2 or Class 3;
2. for which the work for the construction of the building was completed or an occupancy permit or certificate of final inspection was issued before 1 February 2021; and
3. which have Combustible External Cladding.

2.1.2 This Policy does not apply to:

1. risk attributed to fire hazards on or in a building which are not caused by or related to Combustible External Cladding; or
2. buildings which do not have Combustible External Cladding.
   1. Cladding risk rating categories

2.2.1 With a primary focus on cladding as fuel for fire, this Policy provides a means of separating buildings into three risk categories.

2.2.2 The three categories of cladding risk are as follows:

**Table 1: Cladding risk rating categories**

|  |  |  |
| --- | --- | --- |
|  | **Risk description** | |
| **Cladding risk rating category** | **Sprinkler protected** | **Not sprinkler protected** |
| **Unacceptable** | Risk of fire spread across the Combustible External Cladding of **≥ 4 SOU** | Risk of fire spread across the Combustible External Cladding of **≥ 3 SOU** |
| **Elevated** | Risk of fire spread across the Combustible External Cladding of **3 SOU** | Risk of fire spread across the Combustible External Cladding of **2 SOU** |
| **Low** | Risk of fire spread across the Combustible External Cladding of **≤ 2 SOU** | Risk of fire spread across the Combustible External Cladding of **≤ 1 SOU** |

* 1. Risk-based approach to reduction of fire risk

2.3.1 Under this Policy, Remediation Work Proposals for buildings with Combustible External Cladding should adopt a risk-based approach. For each relevant cladding risk rating category, the potential actions for the Remediation Work Proposal are set out below.

2.3.2 The table below provides potential actions for those risk categories for context.

**Table 2: Cladding risk remediation**

|  |  |  |
| --- | --- | --- |
|  | **Cladding risk rating category** | **Potential Actions** |
|  | **Unacceptable** | (1) Immediately lower the Combustible External Cladding risk by implementing interim mitigating measures/works if required;  and  (2) Either:  (a) remove most or all of the Combustible External Cladding from the building to achieve, at a minimum, an Acceptable Cladding Risk rating; or  (b) undertake targeted removal of Combustible External Cladding and apply alternative, cost effective risk reduction interventions which achieve, at a minimum, an Acceptable Cladding Risk rating without, where possible, the need to remove all Combustible External Cladding. |
| **Elevated** | Undertake targeted removal of Combustible External Cladding either alone or in combination with the application of alternative, cost effective risk reduction interventions to achieve, at a minimum, an Acceptable Cladding Risk rating without, where possible, the need to remove all Combustible External Cladding. |
| **Low** | Owner ESM maintenance and other fire safety measure maintenance practices of building owners to be improved and monitored. |

2.3.3 This Policy applies the principle of proportionality and scalability in responding to cladding fire risk on buildings in Victoria. Applied to Relevant Buildings, the primary focus is on achieving an Acceptable Cladding Risk rating. The recommended focus is targeted Combustible External Cladding removal in conjunction with enhancements of the building’s active and passive fire safety systems proportionate to the risk exposure presented by Combustible External Cladding.

1. Procedure for Mitigating Cladding Risk on Relevant Buildings
   1. Introduction to Procedure

3.1.1 The Procedure for Mitigating Cladding Risk (**Procedure**) provides an approach for municipal building surveyors and private building surveyors on how to implement the Cladding Risk Mitigation Policy when fulfilling their functions under the Act and the Regulations in connection with Relevant Buildings.

3.1.2 It provides cladding risk mitigation interventions which may include removal of some Combustible External Cladding to bring a Relevant Building to an Acceptable Cladding Risk rating.

3.1.3 Building practitioners and owners may refer to the Procedure to manage the fire-related risks associated with Combustible External Cladding on Relevant Buildings.

* 1. Buildings to which this Procedure applies

3.2.1 This Procedure applies to Relevant Buildings as described in paragraph 2.1.1 of this Framework.

* 1. Municipal Building Surveyor (MBS)

3.3.1 The MBS must have regard to the procedure in paragraph 3.5 of this Framework when fulfilling their functions under the Act and the Regulations in connection with Combustible External Cladding, including when:

1. determining whether to issue, revoke, cancel or discontinue Enforcement Action in respect of a Relevant Building;
2. assessing Remediation Work Proposals for Combustible External Cladding on a Relevant Building; and
3. determining whether a Remediation Work Proposal is sufficient to issue a building permit for that work for a Relevant Building.
   1. Private Building Surveyor (PBS)

3.4.1 The PBS must have regard to the procedure in paragraph 3.5 of this Framework when fulfilling their functions under the Act and the Regulations in connection with Combustible External Cladding, including when:

1. assessing Remediation Work Proposals for Combustible External Cladding on a Relevant Building; and
2. determining whether a Remediation Work Proposal is sufficient to issue a building permit for that work for a Relevant Building.
   1. Procedure for assessing Remediation Work Proposals

3.5.1 Where remediation work on a Relevant Building is required, a Remediation Work Proposal for that Relevant Building should:

1. achieve, when the work the subject of the Remediation Work Proposal is complete, a reduction of the risk rating of the Relevant Building to an Acceptable Cladding Risk rating; and
2. seek to achieve that Acceptable Cladding Risk rating without, where possible, requiring the Remediation Work Proposal to comprise the full removal and replacement of all Combustible External Cladding.

3.5.2 To achieve the objectives set out in paragraph 3.5.1 of this Framework, a Remediation Work Proposal may incorporate a combination of the Intervention types and solutions set out in the Cladding Risk Mitigation Interventions set out in paragraph 3.7 of this Framework.

3.5.3 In assessing a Remediation Work Proposal and determining which, if any of the Intervention types and solutions set out in the Cladding Risk Mitigation Interventions should be adopted, the following principles should be complied with:

1. solutions that are currently available and recognised by building industry experts to mitigate risk without delay should be prioritised;
2. the following measures should be prioritised:
   1. removal of Combustible External Cladding proximate to ignition sources;
   2. preventing fires from reaching Combustible External Cladding;
   3. preventing fires already alight in the cladding façade from reaching residences;
   4. providing early warning about the presence of a fire to enable early safe evacuation of a building;
3. solutions that are evidence-based should be preferred;
4. consideration should be given to combustible façade materials other than the Combustible External Cladding which interface with the Combustible External Cladding and may heighten the risk of cladding fire spread; and
5. any cladding solution should identify the four fire hazards associated with Combustible External Cladding wall systems (balcony fire, SOU fire, ground fire, electrical fire via penetration), assess the associated risks and incorporate effective risk mitigations.
   1. Enforcement of Safety and Building Standards
      1. Before issuing Enforcement Action in respect of Combustible External Cladding, and subject to a danger to life or property warranting otherwise, municipal building surveyors should consider providing a Letter of Action to the relevant owner or the owners corporation.
      2. Where a municipal building surveyor has issued Enforcement Action in respect of Combustible External Cladding and the requirements of that Enforcement Action remain unsatisfied, subject to a danger to life or property warranting otherwise, the municipal building surveyor should consider providing a Letter of Action to the relevant owner or owners corporation before further Enforcement Action is taken in respect of that instrument.
      3. A Letter of Action issued in accordance with paragraph 3.6.1 or paragraph 3.6.2 of this Framework should:
6. notify the relevant owner or the owners corporation about Minister’s Guideline 15 and this Framework;
7. if a Remediation Work Proposal has been provided to the municipal building surveyor by Cladding Safety Victoria, include a copy of that Remediation Work Proposal; and
8. if a Remediation Work Proposal has been provided to the municipal building surveyor by either Cladding Safety Victoria or by or on behalf of the relevant owner or owners corporation and the municipal building surveyor considers that the Remediation Work Proposal would achieve an Acceptable Cladding Risk rating such that:
   1. the municipal building surveyor would not issue Enforcement Action if the Remediation Work Proposal is implemented within a specified period of time, then the Letter of Action should state so; or
   2. the municipal building surveyor considers that the Remediation Work Proposal would be sufficient to ultimately enable the Enforcement Action to be revoked, cancelled or discontinued if the Remediation Work Proposal was implemented within a specified period of time, then the Letter of Action should state so.
   3. Cladding Risk Mitigation Interventions

The interventions that can be adopted to reduce risk on Relevant Buildings are set out in Table 3 below.

**Table 3: Cladding Risk Mitigation Interventions**

| **Intervention type** | **Intervention solution to be applied** | **The intent of the intervention solution is to** |
| --- | --- | --- |
| Cladding removal | **1. Remove cladding that provides a pathway for external fire spread between separate sole occupancy units** | - Reduce the risk of cladding fire spread between different sole occupancy units. |
| **2. Remove cladding returning wall on balconies and soffits** | - Reduce through cladding removal the likelihood of cladding ignition directly from a balcony fire source.  - Reduce the likelihood of an external cladding fire spreading into balcony areas.  - Reduce the likelihood of a flashover fire from balcony openings connecting with external cladding. |
| **3. Overclad and encapsulate enclosed balcony returning walls with fire-rated elements** | - Reduce through encapsulation the likelihood of cladding ignition directly from a balcony fire source.  - Reduce the likelihood of an external cladding fire spreading into balcony areas.  - Reduce the likelihood of a flashover fire from balcony openings connecting with external cladding. |
| **4. Remove cladding from the ground floor level** | - Reduce the opportunity of cladding ignition by removing cladding proximal ground level ignition sources.  - Reduce the opportunity for fire spread to upper residential levels from cladding fire spread. |
| **5. Remove cladding adjacent sole exit or sole egress routes** | - Remove cladding where it is foreseeable that a cladding fire would directly expose evacuating occupants to unacceptable levels of radiation, heat, smoke and falling debris. |
| **6. Cladding proximal electrical penetrations is to be removed** | - Reduce the potential for ignition at service/cladding interfaces.  - Provide additionally, where there are gaps surrounding penetrations, an avenue for the spread of fire from external cladding into the internal wall system. Removal of cladding proximal penetrations reduces the risks associated with cladding fire (addressed in Intervention solution 11). |
| Active fire safety system upgrades | **7. Utilise sprinkler protection to building and balconies** | - Reduce the potential spread of a building or balcony fire to proximal cladding by either extinguishing entirely or controlling a fire’s heat release rate. |
| **8. Install multi-criteria detection to internal areas adjacent cladding (other than kitchens)** | - Reduce the consequence of a cladding fire through early occupant warning by the installation of interconnected multicriteria detection to bedrooms/studies. |
| **9. Install heat detection to kitchen areas adjacent cladding** | - Reduce the consequence of a cladding fire through early occupant warning by the installation of interconnected heat detection to kitchen areas. Thermal/heat detectors are not activated by smoke, reducing the chances of spurious alarms triggered by cooking. |
| **10. Interconnection of a buildings detection and alarm system, including the capacity of the system to communicate with external monitoring facilities** | - Facilitate communication of alerts/warnings as considered appropriate through detection and alarm system upgrades.  - Facilitate earlier brigade intervention by installing Alarm Signalling Equipment to communicate signals from the detection and alarm system to an external monitoring facility or brigade directly. |
| Passive fire safety upgrades | **11. Install passive protection where service penetrations and power points/electrical switches are installed to external wall cladding** | - Require protection (fire stopping, fire collars, grommets and fire boxes) where combustible cladding is to be retained by ensuring that services that pass through construction elements proximal to combustible cladding are protected. |
| **12. The lighting installed in combustible cladding elements is required to be replaced with low voltage lighting** | - Install low voltage lighting (higher voltage lighting removed) where mounted in combustible cladding (secondary winding output penetration). Halogen lamps for example get hot enough to ignite combustible material. |
| Exit and egress protection | **13. Construction of a new (secondary exit) in lieu of cladding removal around the buildings original exit** | - Provide an alternative exit path. |
| **14. Install exit or egress protection (from radiation or debris) through the construction of a protective barrier or canopy** | - Provide protective construction that can protect occupants from falling debris and any adverse heat exposure that may occur from a cladding fire. This construction should protect occupants all the way through to a place of relative safety. |
| **15. Install self-closing devices and smoke seals to apartment entry doors** | - Protect the paths of egress that may be affected by a secondary internal apartment fire, initiated by a cladding fire. |